A

LETTER.

A LETTER

FROM A

GENTLEMAN in the COUNTRY,

TO A

MEMBER of PARLIAMENT in TOWN,

CONTAINING

REMARKS upon a Book lately publiſhed, intitled, " *The Conduct and Treatment of* " John Crookſhanks, Eſq; *late Commander* " *of His Majeſty's Ship the* Lark."

LONDON:
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REMARKS, &c.

SIR,

YOUR Requeſt at this Time requires a more immediate Compliance than uſual, as you want to obtain a proper Information of a Matter that ſeems to you of a very extraordinary and intereſting Nature. I like your Curioſity: Your Brother is in the Navy, ſo is my Son; and who knows that it may not be their hard Fate to be involved in ſuch a Scene of Oppreſſion, as has happened to a Gentleman well known in the Navy, who was looked upon as an Honour to the Service, before he was marked out as the Victim of abuſed Power!

THIS was my principle Inducement to look into the Book intitled "The Conduct "and Treatment of Captain *Crookſhanks.*" I was told, by very competent and experienced Judges, it was worth my Peruſal and Attention. I have read it with great Deli-

 beration;

beration ; and therefore very frankly offer you my Opinion, which is formed upon the Facts as they arose before me, with an Impartiality that I would always preserve.

PREPOSSESSIONS are dangerous ; let us search for Truth. The Affair of Captain *Crookshanks* may be industriously and artfully overlooked ; but I assure you, whatever may be the Opinion of some, there are many sensible and experienced Gentlemen in Maritime Affairs, whom I have heard mention this hard Case with Compassion and Resentment.

I AM told, a certain grave, sententious Gentleman should say, that Capt. *Crookshanks* deserved to be hanged : That he knew it was the Opinion of a Noble Lord ; and that it was impossible his Lordship should be misinformed. Such captious, positive, inflexible Men, should be left alone : The humane, generous, and intelligent Part of the World will consider and judge for themselves. Your Confidence in me is not misplaced ; for I will never oppose my Opinion to direct yours. You may believe what I say, and found your Opinion upon the Case, from the following ingenuous Observations. You are

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in the Scence of National Buſineſs, and have not Leiſure to look at every thing; but let me recommend this to your ſerious Conſideration.

It is very apparent, that Capt. *Crookſhanks* by a mis-timed Humanity to Capt. *Erskine*, caſt himſelf into the Power of his Enemies, who took the Advantage, and have ſeverely ſcourged him for omitting to put Captain *Erskine* under an immediate Arreſt, as in ſtrickneſs he ought, and would have done, if he had ſufficiently regarded his own Safety. His Innocence ſeems to have led him into the Miſtake: He wanted "a fair, open, and im-"partial Enquiry into the whole of this "Tranſaction." But Captain *Erskine* and Admiral *Knowles*, took indefatigable Pains to preclude him from ſuch Juſtice in *America*. That Juſtice has been witheld too in *England*, and in a Manner ſcarce to be credited, if it was not authenticated by ſuch Facts, Names, and Circumſtances as would certainly be contradicted, if all he relates had not the Support of Truth.

Let us view the Charge in its utmoſt Latitude. Capt. *Erskine* accuſes Capt. *Crookſhanks*, his Commodore, "with not at-

 "tacking

" tacking the Enemy in point-blank Shot ; " running from the Enemy, and giving no " Aſſiſtance to the *Warwick*." It appears that Capt. *Erskine* exhibited his Complaint and Charge in an unfair and clandeſtine Manner : But is it not ſurpriſing that he did not appear to ſupport his Charge, and vindicate his own Conduct, which has been frequently impeached, but always overlook'd.

THE Accuſation of Capt. *Crookſhanks* extended to Life, as well as Character and Station. You may think the Charge has been proved, becauſe Capt. *Crookſhanks* fell under the Sentence of a Court-Martial : But you will find him nevertheleſs innocent of the Charge ; for that Sentence is inconſiſtent with the Reſolves upon which it is founded.

REVERSE the Picture, and let us ſee what Capt. *Crookſhanks* ſays in his Defence. You will there find the Sentiments of a ſkilful Officer.

HE deſcribes the Chaſe and Engagement with great Preciſion as a Seaman ; and he approves himſelf ſuch by his Conduct. I think, the greateſt Fault he committed, was

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in chaſing out of his Courſe, and laying himſelf open to the thirteenth Article of War. If he had taken the *Glorioſo*, he might have anſwered for it: I will not trouble you with Sea-Phraſes, and indeed Capt. *Crookſhanks* has avoided all Perplexity of that Kind: He ſpeaks intelligibly, and ſeems to feel what he ſpeaks. You will find in his Letter to the Hon. *Henry Legge*, Eſq; a conciſe Deſcription of the whole Engagement, and a modeſt Exculpation of himſelf.

In my Opinion, Capt. *Crookſhanks* has fully refuted the whole Charge laid againſt him by Capt. *Erskine*, and how the Court-Martial could act with any Degree of Severity againſt him, or that they did not honourably acquit him, is to me aſtoniſhing. Not only the Injuſtice, but the Malice of the Charge, are ſufficiently exploded, which, one would think, might have ſerved to direct the Hand of Power whom to favour, and whom to chaſtiſe.

Captain *Erskine*, wanted to play the Hero, or he would not have given ſuch a Miſrepreſentation of his tacking, and attacking, as appears in the Beginning of his Com-

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plaint againſt Capt. *Crookſhanks*. The whole Streſs of the Charge conſiſts in a malicious Inſinuation, that Capt. *Crookſhanks* was guilty of Cowardice; ſince Capt. *Erskine* expreſsly aſſerts, that Capt. *Crookſhanks* " ran from " the Enemy, and never returned to his " Aſſiſtance". But an unanimous Reſolve of the Court-Martial, acquits him of any *Suſpicion* of that Kind.

To view the Evidence that was given on the Trial, any Man would think that Capt. *Crookſhanks* had diſproved every Part of the Charge. If not, what could prompt Admiral *Knowles* to deſire that Capt. *Crookſhanks* " would diſpatch to finiſh the Evi- " dence, and call as few Witneſſes as poſ- " ſible." The Admiral urged, that the Fleet was under a Neceſſity of ſailing in a Day or two: But that was only to mask his Partiality, which was fully ſhewn; for the Fleet did not ſail till almoſt a Fortnight afterwards. This was a poor, mean, and cruel Artifice; as it was expoſing the Life of one Man to ſave another. I ſay Life, for Capt. *Crookſhanks* had his attacked by the Words of the Charge: Therefore, he ſhould not have been deſired to ſhorten his

Evidence,

Evidence, if the Court were not of Opinion that the Charge was invalidated. No, in that Caſe, the Judges ſhould be Council for the Priſoner, who ſhould not be deprived the Uſe of all regular Means for his Defence. The Reputation of an Officer is ſuch a delicate Thing, that Life is of little Importance without it; and it certainly was the Duty of the Members conſtituting that Court Martial, to have encouraged, and incited Capt. *Crookſhanks*, to produce all the Evidence he could in Vindication of his Life and Honour. It appears, that Capt. *Crookſhanks* could have called a great Number of Witneſſes, whoſe Names he had given to the Judge-Advocate; but he complied with the Admiral's unreaſonable Requeſt, and ſhortened his Evidence; he might have ſafely reſted his Cauſe there: He had proved enough to remove the Charge; he had all the Reaſon in the World to expect nothing leſs than an honourable Acquittal. Yet he was *diſmiſſed*, and *caſhiered!* For what! Was it for Misconduct in not tacking? He was thought guilty of no more by his Judges; and they might have ſeen, that Charge was unſupported by any Evidence. The Reſolves and

Sentence

Sentence implied only an Error in Judgment: But the Puniſhment inflicted and continued, is widely diſproportionate to the Offence, admitting it to have been fully proved.

LET us obſerve that Capt. *Crookſhanks*, in anſwer to the Charge of Capt. *Erskine*, ſhewed the Court, that the *Lark* was within Point-Blank Shot, and that he uſed his beſt Endeavours to ſupport the *Warwick*. This is fully proved throughout the whole Courſe of the Evidence; as alſo that Captain *Crookſhanks* was reſolved to renew the Engagement and attack the Enemy ſeperately, which he would have done, if he had not been prevented by Capt. *Erskine*, who made a Signal of Diſtreſs, and Capt. *Crookſhanks*, in Obedience to an expreſs Article of War, was obliged to diſcontinue the Chaſe.

WHAT is called the Crown-Evidence, contains nothing relating to the Courage of Capt. *Crookſhanks*, except the Queſtion put from the Court to Mr. *Cahoone*, the Lieutenant of Marines, who was asked, Whether he obſerved any Backwardneſs, or Signs of Fear in Capt. *Crookſhanks* while running up to the Enemy, and *particularly* while engaged?

gaged. His Anſwer was " he did not obſerve " any, or any thing, but what ſeemed to " him conſiſtent with the Behaviour of a " prudent and good Officer."

However, the Court-Martial paſſed a Sentence which can never be juſtified. They agreed, " that Capt. *Crookſhanks* by his Miſ- " conduct and imprudent Behaviour, fell " under Part of the 14th Article of War; " and therefore they thought fit to adjudge " him to be diſmiſſed, and caſhiered during " his Majeſty's Pleaſure."

The Reſolves of the Court-Martial, on which this Sentence was grounded, is inconſiſtent with the Sentence itſelf. The fourth Reſolve was, " That Capt. *Crookſhanks* was " guilty of a Miſconduct, in not tacking " when he ſaw the *Warwick* firſt engaged." This is proved erroneous; though the Court-Martial founded their ſevere Sentence on that Reſolution. The whole Miſmanagement is proved upon Capt. *Erskine*: And the Imprudence alledged in the ſecond Reſolve againſt Capt. *Crookſhanks*, is diſproved. The firſt and third Reſolves are immaterial; but ſufficiciently anſwered. The fifth Reſolve acknow-

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ledges, " that Part of the Charge is not ful-
" ly proved." To this it is anſwered, that
" the Charge implies Cowardice ; and no-
" thing elſe ſeems to be meant ; therefore,
" no Part of the Charge is proved ; for, by
" the ſixth Reſolve, the Court did unani-
" mouſly acquit Capt. *Crookſhanks*, of the
" *Suſpicion* of Cowardice, Diſaffection, or
" Want of Zeal." It is very remarkable, that this laſt Reſolve, was pronounced by the Preſident of the Court-Martial, who was exaſperated to find it omitted by the Judge-Advocate. This is acknowledged by the Preſident himſelf : What then muſt you think of the Judge-Advocate !

It was with great Difficulty that Captain *Crookſhanks* could obtain a Court-Martial, after being confined all the time Mr. *Knowles* thought proper to take him from *Louisbourgh* to *Barbadoes*, and from thence to *Jamaica*. That was ſevere Treatment indeed ; and it looks as if they expected that the Heart of a gallant Man muſt have been broke, under ſuch a complicated Scene of Oppreſſion, which would have ſtopt all Enquiry. The Gentlemen who compoſed the Court-Martial, ſeemed to have been impoſed upon and miſ-

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led; otherwiſe, as Gentlemen and Men of Honour, they would never have pronounced a Sentence which is contradicted by their own Reſolves. A Sentence abſurd, as well as cruel: But its Abſurdity ſprung from the Craft of an artful Hand; and its Cruelty, from Inattention, want of Diſcernment, or undue Influence over ſome, who would never have joined in ſuch a Sentence, if they could have forſeen the unhappy Conſequences that have attended it.

THERE are ſuch Things as Worms of Power, who deſtroy unſeen, and are always at Dark Work, but they muſt be ſeen at laſt. Could you, or any Man, believe that any Perſon ſhould have the Effrontery to mutilate the Sentence, or Reſolves of a Court-Martial? It will hardly gain Credit; yet, in this Inſtance it appears true

IT was the 6th of *February* 1748, when Capt. *Crookſhanks* firſt applyed in *Jamaica*, to the Deputy Judge-Advocate, for an atteſted Copy of the Reſolves and Sentence of the Court-Martial, he ſoon obtained the latter, but was refuſed the former by Order of the Admiral, who had his Reaſons no doubt.

Capt. *Crookſhanks* applied to the Lords of the Admiralty after his Arrival in *England*, and they ordered their Secretary to furniſh him with a Copy of the Reſolves, as they were tranſmitted to their Office.

The Judge-Advocate omitted to read the ſixth Reſolve: The Preſident challenged him upon the Omiſſion, and pronounced it himſelf. This was confirmed by the Members; and one of them ſaid, Capt. *Crookſhanks* had only miſtaken in Point of Time. But there was a Combination againſt Capt. *Crookſhanks* out of Court, by Perſons who had it in their Power, and not leſs in their Inclinations, to mutilate the Reſolves, and to ſend them in what Light they pleaſed to the Board of Admiralty, where a Prepoſeſſion had been already ſown in Prejudice of Capt. *Crookſhanks* who was ſtill to be hunted down as a Sacrifice to Envy and Pride.

The Copy of the Reſolves which Capt. *Crookſhanks* obtained from the Secretary of the Admiralty, ſeem very different from thoſe made by the Court-Martial. They are ſet forth in *Page* 123; where they appear

pear as if they were another Set of Reſolves from the genuine ones ſet forth in *Page* 94. Is it not apparent, from hence, why a Copy of the Reſolves was refuſed in *America*, where it ought to have been granted according to Cuſtom? Thoſe tranſmitted to the Admiralty-Board are falſe and ſpurious. Was it to impoſe upon thoſe who preſided there? Or, was it to cloak the Injuſtice that had been committed in *America*? The Reſolves are a Part of the Records of the Court, and ſhould have been as inviolably preſerved.

The genuine Reſolves were ſix, and comprehend no part of the Sentence. The ſpurious Reſolves are only three, the laſt of which contains Part of the Sentence. Capt. *Crookſhanks* immediately complained to the Secretary of the Admiralty, that theſe Reſolves were nothing like the ſame with thoſe read in Court: And he has produced the Authority of the Preſident of his Court-Martial, to prove that the Reſolves ſet forth by himſelf are genuine; conſequently, thoſe he received from the Secretary of the Admiraly are ſpurious. The Preſident, in his Letter to Capt. *Crookſhanks*, *Page* 140. tells

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him in thefe Words, " The fixth Refolve, " in the Copy you fent me, I do perfectly " well remember (upon the Neglect and " Omiffion of the Judge-Advocate) to have " been pronounced by myfelf in the Man- " ner following: Sir, the Court do, by an " unanimous Refolve, acquit you of the " Sufpicion of Cowardice, Difaffection, or " the Want of Zeal'"

We are told, the Judge-Advocate was not content with omitting the fixth Refolve: But he afterwards altered it, and blended it with another Refolve, in which the Words *Want of Zeal* were omitted. If fo, this is a fhameful and unprecedented Mark of Injuftice; nor is any Man fafe in the Power of People who firft threaten to take away Life by every invidious Artifice, and afterwards break through the facred Forms of Law, to perpetrate their malicious Defigns.

We live in a free Country, where every Member of the Community ought to receive the full Force and Benefit of the Laws. This is very evident from Magna Charta, and the Bill of Rights; but more confpicuous in the Habeas Corpus Act, which has

provided

provided that no Subject ſhall be hurt by the Hand of Power. Infallibility does not belong to human Beings; the beſt Man may err, or be deceived: Juries have repented of their Verdict; and Judges of their Sentence: But it is the Duty of honeſt Men to acknowledge their Error when they find their Miſtake: Worthy Men in Service are under many Reſtraints, open to common Deception, and liable to undue Influence. But it is to be hoped there are few Men who would forget the Dignity of Rank, the Glow of Honour, and the Purity of Juſtice, by giving themſelves up to a mean and imprudent Confidence in one Perſon, who might make falſe and artful Impreſſions on them which they might afterwards diſcern and be aſhamed to own. What ſhall we think of Diſcipline, when a junior Officer is permitted, nay even encouraged, to make an Accuſation againſt his ſenior Officer, who had a heavy Charge againſt him, not only for Diſobedience, but even of as much as amounted to Cowardice? What can we ſay of Court-Martials, if we ſee a Man hunted out of his Command, and the Records of the Court altered to make him look criminal, when in Fact, he was acquitted? Should

not

not ſuch Proceedings be reviſed, and their Authors puniſhed, by thoſe inveſted with ſuperior Authority?

THERE never was a more glaring Inſtance of a confederate Kind of Partiality to deſtroy the Reputation of a Man, than what appears throughout the whole of this Affair. Capt. *Erskine* is not ſo culpable as others; he had indeed diſobeyed Orders, took upon him to act independantly of his ſuperior Officer, fruſtrated his Deſign of attacking the Enemy to advantage, and imprudently drew upon himſelf a ſeparate Engagement. Captain *Crookſhanks* treated him with too much Tenderneſs; yet Capt. *Erskine* was too conſcious of his own Miſconduct to think it would paſs without Enquiry; and therefore he took the Advantage, firſt, by clandeſtinely ſending away Lieutenant *Hughes*, when the *Montagu* Bilander parted Company for *Louisbourgh*, with a Complaint to Commodore *Knowles* againſt Capt. *Crookſhanks*, and afterwards parting from his commanding Officer contrary to Orders.

MR. HUGHES left the Squadron 9 Days after the Engagement, and arrived at *Louis-*

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bourgh, nine Days before the Arrival of the *Warwick*. This *Hughes* was a Lieutenant recommended to Commodore *Knowles*, and was only a Paſſenger on board the *Warwick*. When Capt. *Crookſhanks* went on board that Ship, immediately after the Engagement, he found Mr. *Hughes* on the Quarter-Deck, and aſked him how they could be ſo haſty in firing the Gun as a Signal of Diſtreſs ? Mr. *Hughes* replied, he knew *(a)* nothing of any Gun being fired. That Gun carried a 24 Pound Shot, and was fired juſt under Mr. *Hughes*, who upon the Trial of Capt. *Crookſhanks* depoſed *(b)* that a Gun did go off. You may form your own Opinion of this Gentleman's Veracity ; and may imagine what Kind of Emiſſary he was, to carry the Complaint of Capt. *Erskine* to Commodore *Knowles*, who become inſtantly prejudiced againſt Capt. *Crookſhanks*, without waiting to know what he could ſay in his own Vindication. It was a very unjuſtifiable Step in Capt. *Erskine*, to take the Liberty of ſending any Perſon out of his Ship without the Knowledge of his commanding Officer : And it was a very extraordinary thing for

(a) Page 25. *(b)* Page 82.

Commodore *Knowles* to act ſo unbecoming the Character of a Commander in Chief, as to receive the Complaint of a junior againſt a ſenior Officer, whoſe Arrival was daily expected, in conſequence of his own Orders. The Commodore, in his extraordinary Way, precipitately took the Matter into Conſideration, and formed his Opinion of the whole Tranſaction on the ſingle Authority of the Account given him by Mr. *Hughes*; which Opinion he haſtily ſent to the Duke of *Bedford* and Lord *Anſon*. Hence might ariſe a Prejudice againſt Capt. *Crookſhanks* at the Board of Admiralty, whoſe Members might eaſily be impoſed upon at that Diſtance, by a Miſrepreſentation of Facts and Circumſtances.

CAPTAIN CROOKSHANKS arrived at *Newfoundland* the 13th of *Auguſt*; and the 15th, he received a Letter from Commodore *Knowles*, informing him, that he had a Complaint againſt him from Capt. *Erskine*; and that he muſt immediately repair to *Louisbourgh*, to anſwer the ſame at a Court-Martial. Capt. *Crookſhanks* arrived at *Louisbourgh* on the 4th of *September*, and was received with an affected Civility by Commodore

Knowles,

Knowles, who declared the high Regard he had for him, and ſaid, he was the laſt Man he ſhould have ſuſpected to be charged with behaving in the Manner Capt. *Erſkine* had exhibited to him. Capt. *Crookſhansk* aſſured the Commodore, that he could prove very unwarrantable Behaviour againſt Captain *Erſkine*, and that he was confident the ill Succeſs would appear to be owing to his Miſmanagement alone. But the Commodore had already decided the whole Affair, by ſending his partial Opinion to *England*; and as he had begun, he was determined to end it in that Manner, rather than appear to alter his Opinion, or acknowledge himſelf in an Error, and that he had been deceived by *Hughes* and *Erſkine*.

If the Commodore had acted with Impartiality, and agreeable to his Station, he would have ordered both Captains to be tried, as each had complained of the other; and Capt. *Erſkine*, as the junior Officer, ſhould have been tried firſt. But Mr. *Knowles* told Capt. *Crookſhanks* he ſhould be tried by Commodore *Legge*, who was ſtationed off the Leward Iſlands: And Capt. *Crookſhanks* then declared, that his Defence would greatly conſiſt in

charging Capt. *Erskine* with diſobedient and unwarrantable Behaviour. Capt. *Crookſhanks* was deſirous of being tried as ſoon as poſſible; but his Trial was put off from time to time, till they got to *Jamaica*, attended with many aggravating Circumſtances: While it was thought proper to ſkreen and countenance Capt. *Erskine*, who never was brought to any Kind of Trial, nor was Captain *Crookſhanks* permitted to bring the Conduct of his Adverſary in Queſtion, though it was neceſſary for him to do it in his own Defence.

Mr. Knowles ſuſpended Capt. *Crookſhanks*, and gave the Command of his Ship to Mr. *Hughes*: While Mr. *Erskine* was appointed Captain of the *Canterbury*, on board which Ship, the Commodore hoiſted his Broad Pendant. This was a very ſtriking Inſtance of Partiality, and ſerved to increaſe the Prejudice which the Commodore himſelf had infuſed among the Squadron, againſt Capt. *Crookſhanks*, ; for he went on Board the *Warwick*, and thanked the Officers and Men for their gallant Behaviour in the Action; and ſaid, the *Lark*'s Company would have behaved as well, if their Captain had led them to the Engagement. Such

Proceedure

Proceedure was ungenerous, and beneath the Dignity of the Commander in Chief of a *British* Squadron, whoſe Opinion, right or wrong, muſt Influence his Officers, and of courſe become adopted throughout every Ship in the Squadron. Calumnious Reflections, and malicious Inſinuations, were every where thrown out by Capt. *Erskine* and Mr. *Hughes* againſt Capt. *Crookshanks*, to blaſt his Character and load him with Infamy: Every Obſtruction was thrown in his Way to render him unprepared for his Defence; and his Trial was ſhamefully procraſtinated.

THE firſt Notice of Trial that Capt. *Crookshanks* received, was ſent him in a very indecent and diſreſpectful Manner, on the 7th of *January*; but, on the 11th, the Day appointed for the Trial, after the Signal was made for all Captains, and they were met, Commodore *Knowles* ſent for Captain *Crookshanks*, and told him before them, that he could not be tried till he came to *Jamaica*. Thoſe Captains perceived this was a great Shock to Capt. *Crookshanks*, who had ſuffered four Months Impriſonment, and to whom the leaſt Delay of Trial muſt be very mortifying, under his ſevere Treatment and hard

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Circumſtances. He was tried at *Jamaica*, where he had not the *Benefit of confronting* his Accuſer, and was treated in a ſhameful Manner by the Judge Advocate.

MAJOR *Laurence*, and three other Gentlemen, were Paſſengers on Board the *Lark*, at the Time of the Engagement; and Capt. *Crookſhanks*, when they arrived at *Louiſburgh*, requeſted of Commodore *Knowles*, that their Depoſitions might be taken, and admitted as *viva voce* Evidence. The Judge-Advocate took their Depoſitions, which were not produced in Court, nor permitted to be read on the Trial. Capt. *Crookſhanks* was not allowed the Copies of any Depoſitions; but thoſe Gentlemen favoured him with the Purport of theirs, duly legalized before Governor *Hopſon*.

THE Judge-Advocate informed Capt. *Crookſhanks*, that if the Depoſition of any Witneſs was made before a Notary-Public, it would be admitted on his Trial as Evidence. However, he would ſuffer no ſuch Depoſitions to be even read, becauſe they might influence the Court in Favour of Capt. *Crookſhanks*. His Diſappointment, in this

this Reſpect, was aggravated by the Partiality ſhewn to Capt. *Erskine*, whoſe long Depoſition was publickly read in Court, where he did not appear himſelf, as he ought to have done, to have ſupported his Charge. If the Judge-Advocate would not admit of ſuch Evidence, he ſhould not have permitted that Depoſition to be read in Favour of Capt. *Erskine*, without granting the ſame Indulgence to Capt. *Crookſhanks*, who had applied to the Judge-Advocate for Copies of the Depoſitions, which were forbid by the Commodore, after the Judge-Advocate, under his own Hand, had promiſed to ſend them to Capt. *Crookſhanks* when collected.

The Judge-Advocate, inſtead of granting Copies of the Depoſitions, told Captain *Crookſhanks*, " He could not find, " he was to be his Advocate; but it " was the Duty of his Office to deſtroy " him if he could." And yet he had told him, " He ſhould always be ready to " render him any Services conſiſtent with " his Office." Snares were laid, and Means uſed, to influence thoſe who were to give in their Depoſitions, and Copies of thoſe that

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were taken were ſhewn about. This was inconſiſtent with the Office of the Judge-Advocate, who alſo took the Depoſitions of ſeveral Perſons in the Hearing of others that had not depoſed, and thoſe Depoſitions were ſuffered to lie open to public View. He ſeems to have forgot the Nature of his Office, and to have ſunk beneath himſelf in his judicial Capacity. It was very extraordinary in him to diſcloſe his Opinion to any Perſon on the Contents of the Depoſitions, and much more to condeſcend to hold a Familiarity with the common Seamen on Board the *Lark*. What think you were his Views, in thus abuſing his Office, and degrading himſelf? You may imagine, as he was the Servant of the Commodore, he was only the Implement of Power. There is an Inconſiſtency of Character in this Man. He acknowledged, " That he could not con-
" ceive, by what he had found in the De-
" poſitions, how Capt. *Erskine* was to prove
" the Charge." He was ſenſible it could not be proved, and that Capt. *Erskine* was afraid to appear and vindicate himſelf. But the Commodore had raſhly undertaken to repreſent what he now knew to be a Miſrepreſentation: He had flounced over Head

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and Ears into the Matter, had misplaced his Confidence, and was afraid to expose his own Imprudence and Partiality: Therefore, an undeserved Oppression must be continued, and supported by irregular Proceedings; for the Cause of Capt. *Erskine*, now became the Cause of Commodore *Knowles*; the former had imposed upon the latter, who took him under his Protection, and both must be justified together.

LIEUTENANT *Cahoone*'s Deposition was rejected. Mr. *Crispo*, the second Lieutenant of the *Lark*, was Brow beat by the Judge-Advocate. What then must have been the coercive Power upon the common Men? Did the Judge Advocate reject great Part of what they had drawn up? Did he say it was Nonsense, or foreign to the Purpose? It appears he did; as also that he neglected to take the Depositions at *Louisbourg*, when the Facts where recent, and the least Circumstance might have been recollected. But it was determined, that Capt. *Crookshanks* should not have the Benefit of a speedy Trial: It would serve his Cause, and endanger Capt. *Erskine*, who had now covered himself with the Commodore's own Cloak. Ninety-three

Days elapſed without taking one Depoſition. Why? The Delay of the Trial was too conſpicuous to paſs unnoticed; and it was thought proper to charge Capt. *Crookshanks* with that Delay. A ſtrong Report was ſpread, that he had made an Application to the Commodore for poſtponing his Tryal: The Report, indeed, could gain no Credit; and Capt. *Crookshanks* told Commodore *Knowles* he muſt be ſenſible the real Fact was quite the Reverſe: But the Commodore was cautious of giving any anſwer to ſilence ſuch a vile Aſperſion.

I NEVER before met with ſuch an oppreſſive, barefaced, unjuſtifiable ſcene of Partiality: It ſhould be detected, that others may be deterred from making a bad Uſe of Power. It began at *Louisbourg*, was carried to *Barbadoes*, and continued at *Jamaica*. It was the 4th of *September* 1747, when Capt. *Crookshanks* arrived at *Louisbourg*; and it was the 1ſt of *February* 1748 before he was brought to his Trial at *Jamaica*; during which Time he underwent the ſevereſt Mortifications; and nothing but a Conſciouſneſs of his Innocence could have ſupported him under his Diſtreſs. Before the Trial, Capt. *Crookſhanks* was in-

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ſulted in his Cabbin by Mr. *Hughes*, who ſaid, " He had Orders, from the Com-" modore, to prevent his having any pri-" vate Diſcourſe with the Officers." If the Commodore gave ſuch Orders, it ſhews his Partiality: If not, Mr. *Hughes* was very impertinent, and Capt. *Crookſhanks* is to be commended for treating him in the Manner he deſerved. When the Trial commenced, Admiral *Knowles* intimidated, every Perſon under his Command, from aſſiſting Capt. *Crookſhanks* in writing for him; which was too laborious a Task for a Man to undergo, who was afraid of leaving himſelf naked and open to the Judge-Advocate, after his inhuman Declaration.

Mr. *Knowles*, had taken an unprecedented Meaſure in not bringing Captain *Erskine* to a Trial before Capt. *Crookſhanks*: And the Judge-Advocate began the Trial with ſuch an extra-judicial Proceeding as may have no Precedent in Caſes of this Nature. He would allow of none but *viva voce* Evidence: Yet he ſuffered two Letters to be publickly read in Court from two Clergymen, who knew nothing of the Matter; and he alſo read himſelf a very long Depo-

ſition made by Capt. *Erskine*, which he introduced with a ſtrange Apology, and ſaid he did not doubt that Depoſition would be regarded, and have its due Weight. The Court ſaid, it could have no Weight!

As Captain *Erskine*'s Depoſition was read, Capt. *Crookſhanks*, expected he might have been indulged to read his Defence: He asked Leave, but was refuſed, becauſe it was thought irregular. There would have been no greater Breach of Regularity in reading his Defence, than in reading the Depoſition of his Adverſary, which was a Corroboration of the Charge; and though the Court ſaid it had no Weight, it certainly had much Influence.

CAPTAIN *Crookſhanks* informed the Court, that he had drawn up a Complaint againſt Capt. *Erskine*: But he was not permitted to ask any Queſtions relating to the Conduct of his Adverſary; becauſe the Judge-Advocate ſaid, " that ſuch (*a*) Queſ-
" tions tended only to *fiſh* out Matter,
" whereon more fully to found and ſtrengthen

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(*a*) Page 84.

" a Complaint againſt Capt. *Erskine* ; and " that as he *would be tried*, they might then " properly fall in Courſe." Capt. *Crookſhanks* made a very pertinent Reply, and ſhewed the Neceſſity he was under to examine into the Conduct of Capt. *Erskine* in Juſtification of himſelf ; becauſe the Operations of the two Ships were ſo interwoven, and dependant on each other, that the Anſwers to Queſtions regarding the one, would illuſtrate the Management of the other. But the Judge-Advocate prevailed, and impoſed on the Court, by aſſuring them that Capt. *Erskine* would be tried ; which was never done, though repeated Applications have been made for that Purpoſe, and to this Minute he is anſwerable for his Conduct, as well as he who ſkreened him from Juſtice.

THIS Partiality was carried on in *America*, and Capt. *Crookſhanks* afterwards found it had created a great Prejudice againſt him in *England*. That Prejudice has been inſurmountable : It was ſown in a hard Soil, where it took too deep a Root to be remov'd ; which is explained in *Page* 131 and 136.

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THE Sentence has been already ſhewn; and was never intended by the Members of the Court-Martial, other than as a temporary Puniſhment for an Error in Judgment, not to be continued as a perpetual Act of Severity. If Capt. *Crookſhanks* had been allowed to enquire into the Conduct of Capt. *Erskine*, he might have exculpated himſelf, and have been honourably acquitted: But no Queſtion was admitted to be aſked, and anſwered, at his Trial, that had the leaſt Tendency to involve Capt. *Erskine*. This *(a)* appears to have been done upon a Pretence, maliciouſly advanced, and pleaded by the Judge-Advocate, to miſguide and deceive the Members of the Court, whom he told, their preſent Buſineſs was confined to try Capt. *Crookſhanks* only, and they were to expect another Opportunity to enquire into the Conduct of Capt. *Erskine*: Therefore, they muſt ſuſpend all ſuch Queſtions and Enquiry, till Capt. *Erskine* had an Opportunity to make his Defence, before that, or ſome other Court-Martial, which would ſoon be appointed for his Trial.

A MAN of Honour would ſeek a Trial; which Capt. *Erskine* has rejected. This is very

(a) Page 136.

very ſtrange, when we conſider that a regular Complaint was laid againſt him, by Capt. *Crookſhanks* to Admiral *Knowles*, on the third of *February* 1748. That Complaint conſiſted of five Articles, charging him with Diſobedience, in not obeying the Signal to chace: With not proceding to attack the Enemy; but tacking, and engaging in a confuſed diſorderly Manner; quitting the Enemy with inconſiderable Loſs, when the *Lark* was coming to his Support; and ſeparating from his commanding Officer without waiting for the appointed Signal. Capt. *Crookſhanks*, on the 21ſt of *July* 1747, wrote to Commodore *Knowles* for a public Enquiry, and was very tender in making the firſt Complaint, that he might avoid all Suſpicion of foreclofing any Evidence that Capt. *Erſkine* could give. But Capt. *Crookſhanks*, by this ill-timed Lenity, unhappily foreclofed himſelf from the Advantages he muſt have obtained, if Capt. *Erskine* had been tried.

CAPTAIN *Crookſhanks*, upon the third Day of his Trial, informed the Court, that he had a Complaint againſt Capt. *Erskine*, and by their Advice, ſent it to Admiral *Knowles*, who flew into a Paſſion, and ſaid, " what

" does

" does he mean by plaguing me with his " Complaints ? He may write to the Lords " of the Admiralty : I will have nothing to " do with it." Capt. *Crookſhanks*, ſoon after, again offered his Articles of Complaint againſt Captain *Erskine* to Admiral *Knowles*, and deſired that a Court-Martial might be ordered. The Admiral told him, he would conſider of it. At another Time, he ſaid, he was very buſy. But Capt. *Crookſhanks* perſevered in his Application to have Captain *Erskine* tried. The Admiral trifled about it for ſome Days ; and then, told Captain *Crookſhanks*, he was adviſed, it was not in his Power to bring Capt. *Erskine* to a trial : But that he would ſummons the Captains, and aſk their Opinions. He ſaid they were of the ſame Opinion with himſelf ; though it appeared, he never aſked their Sentiments, or ſpoke a Syllable about it to any of them ; if he had, they would have told him that Capt. *Erskine* ought to be tried. The Admiral, himſelf, acknowledged, that Capt. *Erksine* ſhould deſire to be tried, and expreſſed a Concern that he had not ordered him to be tried before. At laſt, he told Capt. *Crookſhanks*, he could not think he had Authority to try Captain *Erksine*, without particular Orders from the

Lords

Lords of the Admiralty, to whom he would tranſmit the Letters, and deſire their Inſtructions. This was only Amuſement; for the Admiral ſoon after told ſome Gentlemen, that Capt. *Crookſhanks* was applying at Home to have Capt. *Erskine* tried; "but that he had "taken Care to put a Spoke in the Wheel." In this Manner, Capt. *Erskine* was ſkreened from a Trial in *America*, upon a Charge for which he was accountable to his King and Country. If the Admiral thought him guilty, he ſhould have brought him to a Trial: And if Capt. *Erskine* thought himſelf innocent, he ſhould have inſiſted upon a publick Opportunity to have got his Acquital.

It may be eaſily ſeen why this Matter was ſtifled in *America*: But it is difficult to diſcover why it was alſo ſuppreſſed in *England*, after Capt. *Crookſhanks* arrived there, and applied to the Admiralty Board for a Review of his own Trial, and that Capt. *Erskine* might be tried, which would enable Capt. *Crookſhanks* to exculpate himſelf from the Charge laid againſt him. Capt. *Crookſhanks* had the Mortification to find the Application attributed to a recriminating Temper; and to be told, that he "ought to have applied "abroad, in proper time, to his Commander

" in Chief, if he intended to have brought " Capt. *Erskine* to a Trial." He replied, he had neglected nothing on his Part for that Purpose: But all his Applications to vindicate his own Conduct, and expose the Misconduct of his Adversary, were totally disregarded.

ADMIRAL *Knowles* could not be prevailed on to bring Capt. *Erskine* to a Trial in *America*, and he took Care to prevent it in *England*, where a superior, discretionary Power is lodged in the Admiralty for the Redress of any extraordinary Grievance. From the whole State of the Case, there are the strongest Marks of an unjust Partiality; and illegal Abuse of Power; with a long Series of Oppression, supported by mean Artifices and iniquitous Practices. Capt. *Crookshanks* has petitioned his Majesty to be restored to his Rank; and his Petition was referred to the Lords of the Admiralty to report their Opinions thereon: But no Report has been made, and he still labours under the Severity of a Sentence, which would never have been passed against him, if he had been indulged with a fair Opportunity of making a just and proper Defence.

THIS is an impartial State of the Case, as it appears to me; and sorry I am to say, that

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the Scourge of Oppreſſion lay in improper Hands. Capt. *Dent*, the Preſident of the Court-Martial, invited and carried Captain *Crookſhanks* on board his Ship the *Plymouth*, from *Jamaica* to *England*; to be ſure he thought him innocent of the Charge, and was concerned to ſee him under ſuch a Sentence: For it is well known, that Capt. *Dent* would have ſhewed no Countenance, to a Man whom he ſuſpected of Cowardice.

I WOULD not have you miſled with a Notion, that the Caſe of Capt. *Crookſhanks* is too late in the Day for Redreſs; or that he ſhould have made it known long before: If he has been injured ſome Years ago, he ought now to be redreſſed when his Grievance is proved. That is now clearly done, as far as I am able to diſtinguiſh; and I am the more inclined to think ſo, becauſe what he has advanced as Facts, are not contradicted or oppoſed, which would have been the Caſe, if the Face of Truth had not awed the Hand of Oppreſſion.

THE Navy is the Bulwark of our Nation, and it is very imprudent to check the Spirit of its Officers by any deſpotic Proceedings. Men of known Honour have erred in Judgment, and have been puniſhed for the ſake of

Diſ-

Diſcipline ; but not as Criminals. Some have been hunted down upon little Miſcarriages ; and others have been elavated when they ought to have ſunk. In fact, Power can do great Things, and Merit muſt ſubſide if it happens to thwart.

For my Part, I think myſelf obliged to Capt. *Crookſhanks*, for opening a Scene of Iniquity to the World ; and I ſhall hold it for Truth, while I ſee it uncontradicted. Can his Caſe be a Secret to the Gentlemen of the Navy ? No : It muſt be minutely known to Swarms of Officers of every Claſs. Can they read ? Do they reflect ? Who can doubt it ? It is very eaſy then to gueſs how they feel ; perhaps in ſorrowful Silence !

I shall ſay no more ; but deſire you to read the Book, and let me have your Sentiments. I think you will be of my Opinion ; if not, I will endeavour to be of yours. I have ſeen Oppreſſion in the Book : Let me have no Flattery in your Letter.

I am, Sir, &c.

F I N I S.